

LAMONICA HERBST & MANISCALCO, LLP

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February 23, 2017

Via ECF & First-Class Mail

Judge Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**In re: Steven Anthony Behar and Jeffrey Behar, *Appellants*
v. R. Kenneth Barnard, as Chapter 7 Trustee of
10 Division Street LLC, *Appellee*
Dist. Ct. Case No. 16-CV-04644-JFB**

Dear Judge Bianco,

This firm is counsel to Appellee R. Kenneth Barnard, as Chapter 7 Trustee of 10 Division Street LLC.

On January 20, 2017, the Court entered an electronic order stating that:

[A]ppellants shall file their brief in support of their appeal by February 21, 2017. Appellants are warned that if they fail to file a brief by this date, the Court will deem the appeal abandoned and dismiss the case with prejudice.

[Dkt No. 11] Service of that order was made by Appellee on January 26, 2017. [Dkt No. 12]

My review of the docket today reflects that Appellants failed to file their brief on or before February 21, 2017, as required by January 20, 2017 order.

As a result, Appellant requests that the appeal be deemed abandoned and dismissed with prejudice.

Respectfully submitted,
s/David A. Blansky
David A. Blansky

DAB:rrl

cc: Steven Anthony Behar
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R. Kenneth Barnard, as Trustee